

NTSB Order No. EA-4070

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 28th day of January, 1994

Docket SE-11813

<sup>1</sup>The Administrator asserts in response to the respondent's motion that he does not oppose a stay of the 60-day suspension of respondent's commercial pilot certificate. It seems to us, however, that a partial stay, which has not been requested by respondent, would be of no immediate benefit to the respondent, for he cannot use his pilot certificate without a valid and current medical certificate. Nevertheless, in the event the

The respondent in his motion for stay identifies no reason for excepting this action from the Board's policy of denying a stay in a case in which the airman has been found to lack necessary qualifications. See, e.g., Administrator v. Potanko, NTSB Order EA-3990 (1993). While we would ordinarily grant a stay of a certificate suspension of less than six months, we do not think it appropriate, in a case involving more than one certificate, to stay the service of a suspension as to one certificate in an order that has upheld a determination as to another certificate that the airman lacks the care, judgment and responsibility that the holder of any certificate must possess.<sup>2</sup>

**ACCORDINGLY, IT IS ORDERED THAT:**

The motion for stay of NTSB Order EA-4035 is denied.

COUGHLIN, Vice Chairman, LAUBER, HAMMERSCHMIDT, and HALL, Members of the Board, concurred in the above order. VOGT, Chairman, did not concur and submitted the following dissenting statement.

(..continued)

Administrator grants the respondent a new medical certificate before the 60-day suspension period expires, we will give prompt consideration to any renewed request for a stay that he might file.

<sup>2</sup>In this connection, we note that the Administrator, albeit urging in this proceeding that respondent's conduct in falsifying the application demonstrated that he lacked qualification to hold his medical certificate, sought only a 60-day suspension of the respondent's commercial pilot certificate. Board precedent would have supported revocation of all of respondent's certificates.